

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 4936 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

Sd/-

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
? **1 to 5 NO**

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BAHADURSINH HEMANTSINH ZALA - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MS SUBHADRA G PATEL for Petitioner(s) : 1,

MS NISHA PARIKH ASSTT GOVERNMENT PLEADER for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 04/07/2007

ORAL JUDGMENT :

1. Learned counsel for the petitioner relied upon the order dated 12.6.2007 of this court (Coram: Hon'ble Mr.Justice Akil Kureshi) in SCA No.3547 of 2007 to submit that the co-accused person alleged to have been involved in the same

case, i.e. C.R.No.129 of 2006 registered with Rajkot Taluka Police Station, was detained under similar order and that order was set aside by this court. The learned A.G.P. fairly conceded to the above factual position. It was, therefore, jointly submitted that, in absence of any distinguishing feature in the present case, it was not necessary to set out the relevant facts and contentions for reaching to the same conclusion of the detention of the detenu being illegal and unjustified.

2. Therefore, on the same facts, grounds and reasoning as in the case of co-detenu, namely, Bharatbhai Bachubhai Gajjera, the petitioner in the aforesaid SCA No.3547 of 2007, similar order in the case of the present petitioner was requested and required to be made. Accordingly, the petition is allowed and the impugned order dated 19.12.2006 for detention of the petitioner is set aside. The petitioner is ordered to be set at liberty forthwith, if not required in connection with any other case by the authority. Rule is made absolute. Direct service is permitted.

Sd/-

(D.H.Waghele, J.)